



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

BDM/TBM
F. #2021R00164

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 29, 2024

By ECF

The Honorable Joseph A. Marutollo
United States Magistrate Judge
Eastern District of New York
255 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Shares of 21 East 61st Street Apartment Corp. et al.
Civil Docket No. 24-2147

Dear Judge Marutollo:

The parties respectfully write pursuant to the Court's Order directing the parties to file a joint status report by August 29, 2024 addressing their position on whether additional discovery on the threshold issue of the claimants' standing is warranted.

The parties assume familiarity with the relevant background. On June 14, 2024, the government served special interrogatories on the claimants directed to their standing, which is a threshold issue in all forfeiture proceedings. Supp. R. G(6)(a)-(c) (providing that government need not respond to any motion to dismiss until after claimant has answered special interrogatories); *see, e.g., United States v. \$8,440,190 in U.S. Currency*, 719 F.3d 49, 57 (1st Cir. 2013) ("Standing is a threshold consideration in all cases, including civil forfeiture cases."). Pursuant to Rule G(6)(a) of the Supplemental Rules, responses to the special interrogatories are ordinarily due within 21 days. Pursuant to agreed extensions of time, Claimants responded on August 7, 2024 and served supplemental responses on August 26, 2024.

The government intends to serve a second set of special interrogatories directed towards standing on September 3, 2024, to which responses would ordinarily be due within 21 days or by September 24, 2024. Counsel for the claimants contend that their responses to the first set of special interrogatories established that the corporation-claimants have title to the apartments and that the funds to purchase the apartments came from claimant Hak Seon Kim or businesses she owns with her husband that are unconnected to former Prime Minister Sukhbaatar Batbold. However, counsel for the claimants have agreed to consider whether the government's pending second set of special interrogatories are appropriate. Counsel for the claimants have requested that the deadline for filing a response to the special interrogatories be extended to September 30, 2024, to which the government consents. On October 14, 2024, the government

will advise whether it anticipates further discovery on standing or challenging the claimants' standing.

Counsel for the claimants provide that there are challenges in communicating with their Asian clients and accordingly have requested that the date for the filing of a responsive pleading be adjourned from October 4, 2024 until October 28, 2024, to which the government has no objection. Accordingly, the revised schedule would be:

- September 3, 2024: service of second set of special interrogatories
- September 30, 2024: response to second set of special interrogatories
- October 14, 2024: notice regarding additional discovery on standing and/or challenges to the claimants' standing
- October 28, 2024: filing of responsive pleading

The parties are available to provide any further information to the Court.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/
Tara McGrath
Brian Morris
Assistant U.S. Attorneys
(718) 254-7000

MARGARET A. MOESER
Acting Chief
Money Laundering & Asset Recovery Section
Criminal Division, U.S. Department of Justice

Adam J. Schwartz, Deputy Chief
(Of Counsel)